

Exhibit 4

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Texas Association for the Rights of the §
Unemployed, Kathryn Kawazoe, §
Stephanie Stout, Kimberly Hartman, §
Charles Harmon, and Jesus Duarte, §

Plaintiffs, §

CIVIL ACTION NO. 1:22-cv-00417

v. §

Ed Serna, Executive Director, Texas §
Workforce Commission, in his official §
capacity, §

Defendant. §

Plaintiffs' Fourth Requests for Production to
Defendant Ed Serna

TO: Ed Serna, by and through his attorney of record, Charles Maddox, P.O. Box 12548, Austin,
Texas 78711-2548, by email to charles.maddox@oag.texas.gov.

Respectfully submitted,

TEXAS RIOGRANDE LEGAL AID, INC.

/s/ David Mauch

David Mauch
Texas Bar No. 24086837
121 S. Main St., Ste. 100
Victoria, TX 77901
Phone: (361) 237-1681
Fax: (956) 591-8752
dmauch@trla.org

Douglas L. Stevick
Texas Bar No. 00797498
300 S. Texas Blvd.
Weslaco, TX 78596
Phone: (956) 982-5557
Fax: (956) 591-8752
dstevick@trla.org

Melissa A. Jacobs
Texas Bar No. 24046144
4920 N. IH 35
Austin, TX 78751
Phone: (512) 374-2789
Fax: (956) 591-8752
mjacobs@trla.org

E. Sidonia Mitchell
Texas Bar No. 24125331
300 S. Texas Blvd.
Weslaco, TX 78596
Phone: (956) 447-4800
Fax: (956) 591-8752
smitchell@trla.org

Certificate of Service

I hereby certify that on June 7, 2023, this document was served on Defendant via email as follows:

Charles Maddox
charles.maddox@oag.texas.gov

Joseph Keeney
joseph.keeney@oag.texas.gov

Kyle Counce
kyle.counce@oag.texas.gov

/s/ Dave Mauch

Dave Mauch

Definitions and Instructions

1. For the purpose of these questions, “audit” means any action by TWC staff, after a claimant has initially been determined to be eligible, to investigate whether a claimant is eligible for benefits or whether a claimant is entitled to receive all and/or any portion of the benefits they have received. This does not include actions by TWC staff in response to appeals from claimants or employers.
2. For the purpose of these questions, “DOL” means the United States Department of Labor, including any employee of the agency engaged in official business.
3. For the following requests, please produce only documents and statistics from Jan. 1, 2020, to present. For requests which include policies or legal guidance, please produce documents which reflect TWC’s policies or legal opinions/guidance from Jan. 1, 2020, to the present, regardless of when those documents were created.
4. Your responses must include ESI. *See* Fed. R. Civ. P. 34.
 - a. Responsive information contained in audio and video files must be produced in their native format. If proprietary software is required to access those files, they must be produced in a file format that does not require proprietary software.
 - b. Responsive information contained in emails must be produced in .pst or .eml format with all threading preserved.
 - c. Responsive information contained in text messages must be produced in .pdf format or another text-searchable format.
 - d. Responsive information contained in image files must be produced in native format with all relevant metadata, such as EXIF data.
 - e. All other information must be produced in its native format, or, if native format is unavailable, in another reasonably accessible format in which it was normally accessed, edited, or maintained. When so requested, such information must be produced in an exported data format and recorded on a CD-R (Compact Disc- Recordable), or shared with Plaintiff via Dropbox or some other electronic document sharing service.
5. Responsive ESI must be produced with all relevant metadata. This includes:
 - a. For all files created or accessed on a computer: originating path and filename, date created, date last modified, date last saved, authors, last saved by, and date last printed.
 - b. For emails: all information contained in the email header, including sender, receiver, CCs and BCCs, time sent, time received, subject, and date.
 - c. For text messages: sender, receiver, CCs and BCCs, time sent, time received, subject, and date.
 - d. For images: EXIF data.
6. Production in paper hard copy, screenshot images, scanned copies of printed hard copies, and other formats that remove metadata are not acceptable. If you contend that electronic production is unduly burdensome, please include an objection that specifies why electronic production is burdensome.
7. If you produce ESI in a non-electronic format, without the metadata specified above or any other metadata, or if you object to the production of ESI, you must nevertheless preserve this information as required by law.

8. To the extent that these requests seek documents with personally-identifying information of non-Plaintiffs, you may redact that information before producing.

Requests for Production

53. All documents that show the rates charged to the TWC by vendors for the mailing of notices and other claim-related correspondence to unemployment claimants.
54. All documents that show the total number of notices and other claim-related mailings sent by the TWC or its vendors to unemployment claimants, for each day from January 1, 2020 to present. This request excludes notices that were **only** sent digitally, such as notices sent through the online Unemployment Benefits System to a claimant's Correspondence Inbox.
55. All documents that show the total capacity of the TWC or its vendors to mail notices or other claim-related mailings to unemployment claimants, for each day from January 1, 2020 to present.
56. All documents and statistical reports that show the following data for each day from January 1, 2020, to present, for all unemployment customer service phone lines:
 - a. The total number of calls received by the TWC.
 - b. The total number of incomplete calls.
 - c. The total number of calls terminated by the caller prior to the caller being routed to a human.
 - d. The total number of TWC staff and contractor staff (expressed as Full Time Equivalent, or FTE) assigned to answer calls.
 - e. The total average hold time per call.
 - f. The total capacity of the TWC, including its contractors and vendors, to answer calls.
 - g. All data requested in requests 56 a-f for Spanish-language callers.
57. The following aggregate data, for each month from January 2021 to present, including aggregate data for claimants who are Spanish-speaking, for Limited English Proficiency speakers of a language other than English or Spanish, and claimants determined to be most likely to exhaust benefits under RESEA:
 - a. The total number of unemployment claimants whom the TWC requested verify their identity, broken down by issue type and issue reason.
 - b. The total number of employment claimants identified in RFP 56(7) who successfully verified their identity, broken down by issue type and issue reason.
 - c. The total number of overpayment determinations issued by the TWC to claimants identified in RFP 57(a).
 - d. The total amount of overpaid benefits paid to claimants identified in RFP 57(a).
 - e. The total amount of overpaid benefits identified in RFP 57(d) that the TWC waived.
 - f. The total amount of overpaid benefits paid to claimants identified in RFP 31(h).
 - g. The total amount of overpaid benefits identified in RFP 57(f) that the TWC waived.
 - h. The total number of forms BS102, Notice of Potential PEUC, mailed to claimants in January of 2021.

- i. The total number of claimants who received a notice with the issue “Reporting - requested additional information” to whom the TWC had not previously sent a formal request for additional information by mail.
 - j. The overall total number, for each benefit type, of overpayment determinations for FPUC, PEUC, FRWW, MEUC, and PUA benefits.
 - k. The overall total number of determinations made to grant waiver of the overpayments identified in RFP 57(j).
 - l. The overall total number of determinations made to deny waiver of the overpayments identified in RFP 57(j).
 - m. The overall total number, for each benefit type, of overpayment determinations for FPUC, PEUC, FRWW, MEUC, and PUA benefits issued before July 19, 2021.
 - n. The overall total number of determinations made to grant waiver of the overpayments identified in RFP 57(m).
 - o. The overall total number of determinations made to deny waiver of the overpayments identified in RFP 57(m).
 - p. The total number of current pending appeals as of June 1, 2023, broken down by the issue reason and issue type for the determination being appealed.
58. All documents that list and define the fields in the databases used to respond to Plaintiffs’ Requests for Production 31 and 57.
59. All documents that list and define the contents of fields in the databases used to respond to Plaintiffs’ Requests for Production 31 and 57.
60. The TWC’s UI Benefits System Manual.
61. The TWC’s Claimstaking Handbook.
62. All help messages, numbered benefits letters, and desk aids sent to unemployment claims examiners.